



WEB COPY



W.P.No.34663 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.34663 of 2025

Rangabass.L

... Petitioner

-Vs-

1. The District Collector,
District Collector Office,
Salem (Dt) – 636 001.

2. The Revenue Divisional Officer,
Revenue Division Office,
Sankagiri (TK), Salem (Dt) – 637 301.

3.The Tahsildar,
Taluk Officer,
Idappadi (TK), Salem (Dt) – 637 101.

4.Revenue Inspector,
Konganapuram (Village)
Idappadi (TK), Salem (Dt) – 637 102.

... Respondents

PRAYER : Petition under Article 226 of the Constitution of India, praying for



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issuance of writ of certiorarified mandamus, to call for the records connected with the eviction notice dated 17.10.2024 passed by the 4th respondent and quash the same and consequently, to directing the respondents 1 to 3 not to vacate the naththam residential are under naththam land survey No.311/19.

For Petitioners

Mr.Rangabass.L (P-IN-P)

For Respondents :

Mr.T.Chezhiyan

Additional Government Pleader

ORDER

*(Order of the Court was made by **R.SURESH KUMAR, J.**)*

The prayer sought for herein is for a writ of certiorarified mandamus, to call for the records connected with the eviction notice dated 17.10.2024, passed by the 4th respondent and quash the same and consequently, direct the respondents 1 to 3 not to vacate the petitioner who is a resident of the Village Natham land in Survey No.311/19.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



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3.The petitioner claims to have been residing in a Village Natham land.

Therefore, against his residence at Village Natham land, normally, eviction proceedings would not be initiated by the Revenue Department as if encroachment has been made under the Government Poramboke land by invoking the provisions of the Act III of 1905.

4.In this context, the petitioner who appeared party in person would submit that though Section 7 notice dated 17.10.2024 issued by the fourth respondent is under challenge in this writ petition, following the Section 7 notice, already Section 6 order has been passed on 04.11.2024, as against which, on 08.11.2024 appeal under section 10 of the Act has been made to the District Collector/the first respondent through registered post, however, the same so far has not been disposed. In the meanwhile, since coercive action is being taken by the Revenue authorities to evict the petitioner from the Village Natham land, he has rushed to this Court by way of filing this writ petition, he contended.

5.We have heard the learned Additional Government Pleader who has



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taken notice for the respondents and he would submit that though Section 6

order has been passed as early as on 04.11.2024 and as against which Section 10

appeal has also been filed, unless a decision is taken by the District

Collector/the first respondent in the said appeal, the petitioner cannot challenge

the Section 7 notice as the same has got absolved with Section 6 order.

Therefore, the writ petition has to be dismissed, he contended.

6.We have considered the said submissions made by the petitioner who appeared party in person as well as the learned Additional Government Pleader for the respondents.

7.The fact remains that Section 6 order has already been passed, against which, an appeal has been filed by the petitioner before the District Collector/the first respondent being the appellate authority in the year 2024 and the said appeal is said to be pending till date. When that being so, the petitioner cannot come forward to challenge the Section 7 notice of Act III of 1905 and on that ground, we are not inclined to entertain the writ petition.



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8. Therefore, the present writ petition is dismissed with the following

direction that the first respondent/District Collector if not disposed the appeal filed by the petitioner against the order under Section 6 of the Act, on merits it shall be disposed within a period of two (2) months from the date of receipt of a copy of this order and till such time, the physical possession of the petitioner in the land in question shall not be disturbed. No costs.

(R.S.K., J.) (H.C., J.)

15.09.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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